

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD L. BOOZER, SR.,	)	
	)	
Petitioner,	)	Civil Action No. 08-1433
	)	
v.	)	Judge Conti
	)	Magistrate Judge Bissoon
M. CHAMBERLAIN, Superintendent,	)	
	)	
Respondent.	)	

**MEMORANDUM ORDER**

Petition for Writ of Habeas Corpus filed by Richard L. Boozer's ("Boozer" or "petitioner") was received by the Clerk of Court on October 10, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge's Report and Recommendation, filed on October 29, 2008, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Boozer be dismissed and that a certificate of probable cause be denied. The parties were allowed ten days from the date of service to file objections. Boozer filed objections on November 5, 2008 in which he argued that he is challenging the deferral of an administration separation, seeking a lesser form of confinement, is being denied specialized medical services and the right to send and receive legal mail and is being retaliated against by his confinement in

restricted segregation. Those kinds of complaints, as noted by the magistrate judge, are not cognizable under 28 U.S.C. § 2254 as a writ of habeas corpus and his petition must be dismissed. Petitioner must seek relief under 42 U.S.C. § 1983 and the dismissal of his petition "is without prejudice to Boozer's right to file a civil rights action, if he so chooses." Report and Recommendation at 2 n.1.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 25th day of November, 2008,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Richard L. Boozer, Sr. is dismissed, and a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 4) is adopted as the opinion of the court.

s/Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc:  
RICHARD L. BOOZER, JR.  
CS5766  
P.O. BOX 9991  
Pittsburgh, PA 15233